

## CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

### for November 24, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** City/County Final Plat No.04112/04111  
Finigan 2<sup>nd</sup> Addition

**PROPOSAL:** A final plat consisting of 4 lots and 2 outlots.

**LOCATION:** North 84<sup>th</sup> Street and Waverly Road.

**LAND AREA:** 77.03 acres, more or less

**CONCLUSION:** Final plat is in conformance with the preliminary plat and Community Unit Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The N 1/4 of the SE 1/4 and East 40 Acres of Lot 9 I. T. located in the East ½ of Section 10, Township 11 North, Range 7 East of the 6<sup>th</sup> P. M., Lancaster County, Nebraska.

**ANNEXATION:** The land area will not be annexed automatically with the approval of the final plat.

**EXISTING ZONING:** AG Agricultural in split City and Lancaster County Jurisdiction

**EXISTING LAND USE:** Farm land

### **SURROUNDING LAND USE AND ZONING:**

North:	Farmland	AG
South:	Farmland, 8 lot CUP	AG
East:	Subdivision, 37 lots	AG & AGR
West:	Farmland and Acreages	AG

**HISTORY:** Zoned AG in the 1979 zoning update.

The land to the east (Finigan's sub) was platted under the AA zoning and is "grandfathered" as well as an additional portion that was changed to AGR in 1997 and platted.

A change of zone to AGR (#3241) to the south was denied by the Planning Commission in April and withdrawn at the City Council in May 2000. An AG Community Unit Plan was

approved for 8 lots to the south (SP #1857) in August of 2000.

Finigan 2<sup>nd</sup> Addition Preliminary Plat and Community Unit Plan were approved by the Lancaster County Board on January 24, 2004 and the Lincoln City Council on January 26, 2004.

**UTILITIES:** There are no sewer or water public utilities available. This is in the LES service system.

**TRAFFIC ANALYSIS:** This is served by Waverly Road and 84th Street. Waverly Road is a paved county road and 84th is a graveled county road. 84th is not shown for future paving.

**ANALYSIS:**

1. The final plat conforms to the approved preliminary plat and community unit plan.
2. The County Engineer's letter of October 13, 2004 notes no direct objection.
3. This requires both City and County approval. The Planning Director can approve for the City. The County Board must approve for the County.
4. LES notes the need for easements.
5. There are no delinquent taxes against the land and there are no liens for taxes which have been levied but not yet delinquent.
6. A subdivision agreement is required and will be submitted to the owners for their signature.
7. The adopted Community Unit Plan and Preliminary Plat was approved with waivers to ornamental lighting, sidewalks, street trees, landscape screens, and storm water detention.
8. This does not have to meet build through standards since it is "grand-fathered."

**CONDITIONS:**

1. Prior to scheduling this final plat onto the County Board's agenda and signature by the Planning Director for the City:

1.1 The Final Plat Mylar shall have the following changes made to it:

1.1.1 Provide a corrected Mylar signed in black opaque ink and six copies to the Planning Department.

1.1.2 Remove “by Resolution No.” under the Planning Commission Approval.

1.1.3 Add Planning Directors Approval signature block.

1.1.4 Make changes as noted in LES’s letter dated October 21, 2004.

1.1.5 Remove “Limits of City Zoning Jurisdiction.”

1.2 All improvements must be in place and approved by the County Engineer.

2. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

2.1 To submit to the County Engineer an erosion control plan.

2.2 To protect the remaining trees on the site during construction and development.

2.3 To submit to lot buyers and home builders a copy of the soil analysis (and water report if available).

2.4 To complete the private improvements shown on the preliminary plat.

2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.

2.6 To relinquish the right of direct vehicular access to N. 84<sup>h</sup> Street except for Outlot “B” and farm access from Waverly Road and N. 84<sup>th</sup> Street to Outlot “A”.

2.7 To comply with the provisions of the Land Subdivision Ordinance and Resolution regarding land preparation.

2.8 To seed the right-of-way as soon as weather permits following approval of the Final Plat.

Prepared by:

[Derek Miller, 441-6372, dmliller@lincoln.ne.gov](mailto:dmliller@lincoln.ne.gov)

Planner

November 8, 2004

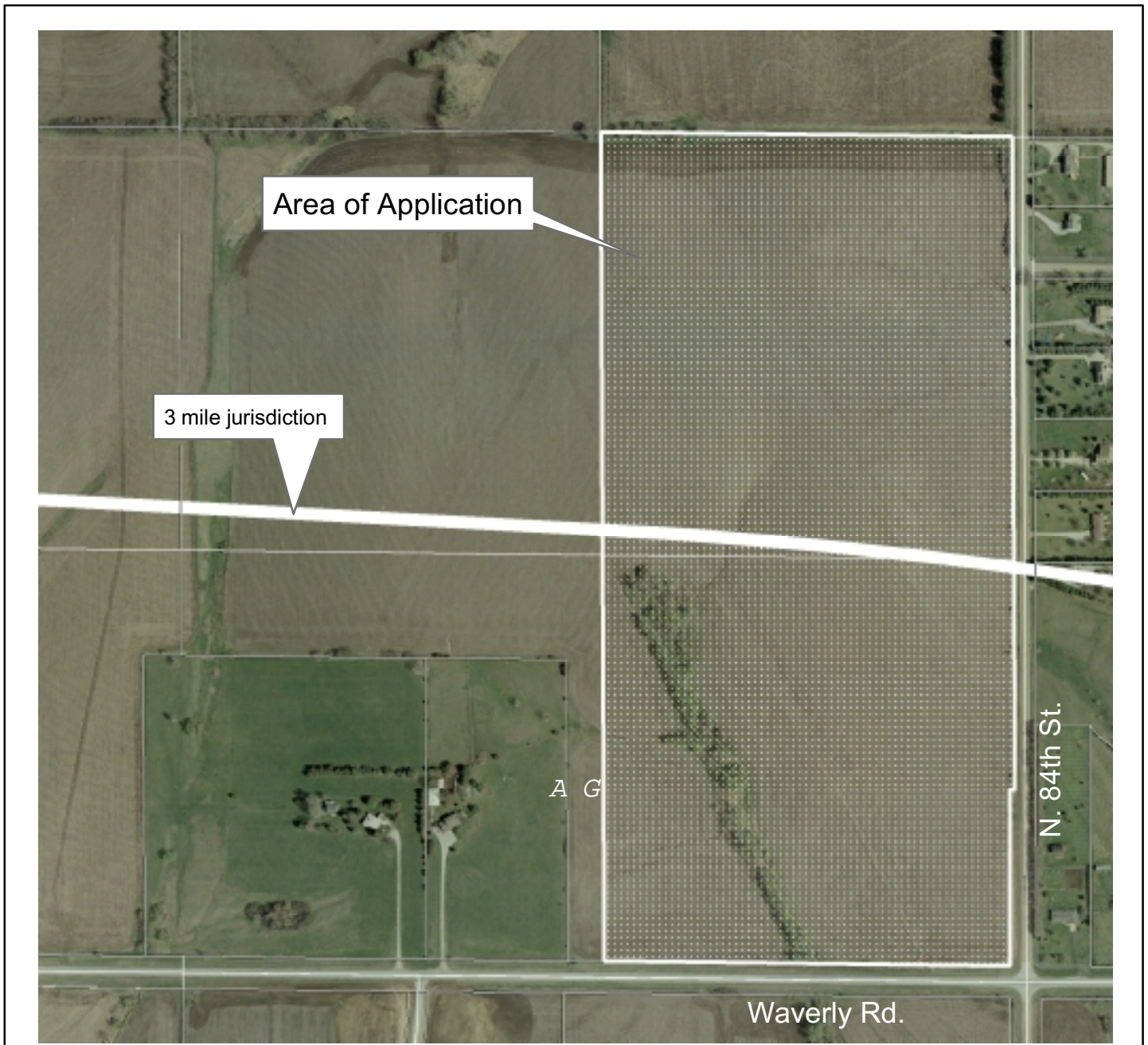
**APPLICANT/** Lyle Loth

**CONTACT:** E-S-P

601 Old Cheney Road., Suite A  
Lincoln, NE 68516  
(402) 474 - 2424

**OWNER:** Pearle F. Finigan  
6321 "A" Street  
Lincoln, NE 68510  
(402) 483-4657

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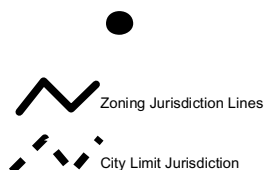
2002 aerial

**County Final Plat #04111**  
**City Final Plat #04012**  
**Finigan 2nd Add.**  
**N. 84th & Waverly Rd.**

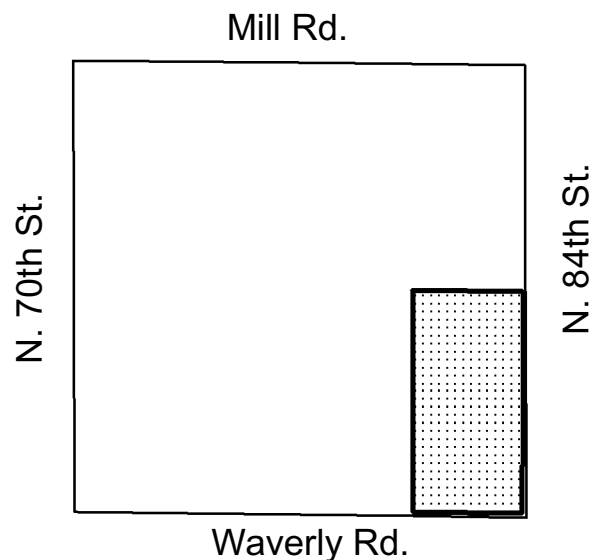
**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

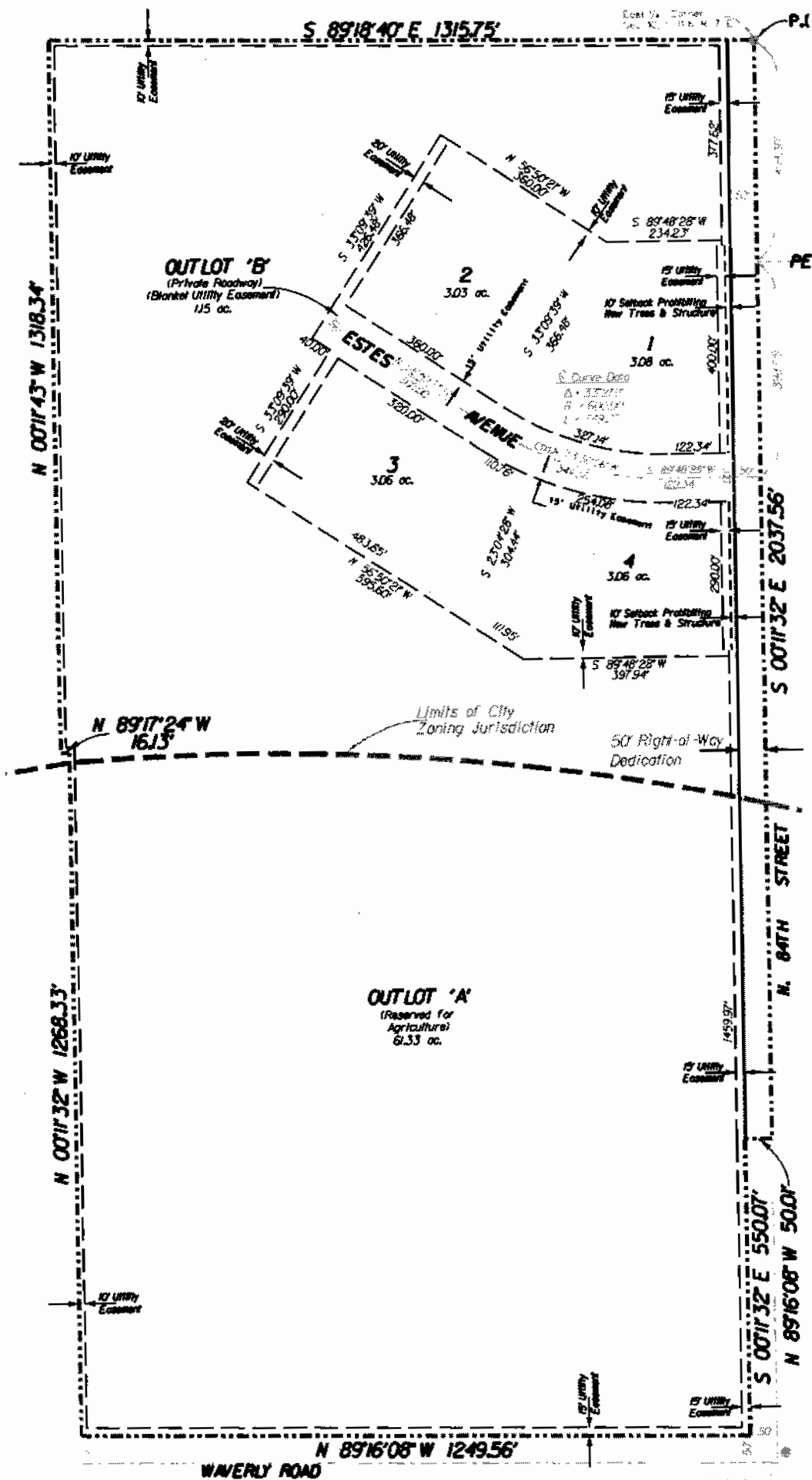
One Square Mile  
 Sec. 10 T11N R7E



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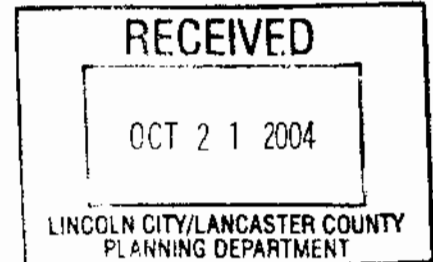
Lincoln City - Lancaster County Planning Dept.



INTER-DEPARTMENT COMMUNICATION



**DATE:** October 20, 2004  
**TO:** Derek Miller, City Planning  
**FROM:** Sharon Theobald  
Ext 7640  
**SUBJECT:** DEDICATED EASEMENTS  
DN# 125N-83E



Attached is the Final Plat for Finigan 2<sup>nd</sup> Addition.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements. However, please change the 15 ft. easement along the east line of Lots 1 and 4 to a 25 ft. easement.

*Sharon Theobald*

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File